

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT BENSHOOF et al.,

Plaintiffs,

v.

ANDREA CHIN et al.,

Defendants.

CASE NO. 2:24-cv-00808-JHC

ORDER TO SHOW CAUSE

This matter comes before the Court sua sponte. This lawsuit was commenced nearly a year ago. Dkt. # 1. And it appears that Plaintiffs have failed to timely serve a number of the Defendants.

Federal Rule of Civil Procedure 4 requires a plaintiff to serve the defendant with a summons and copy of the complaint and sets forth the specific requirements for doing so. *See* Fed. R. Civ. P. 4. Rule 4(m), which provides the timeframe in which service must be effectuated, states in pertinent part:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.


1 *Id.*

2 Plaintiffs' Complaint was filed on June 7, 2024. Dkt. # 1. And Plaintiffs' Amended
3 Complaint was filed on February 11, 2025. Dkt. # 69. Filing an amended complaint does not
4 provide an additional 90 days for service. 4B Charles Alan Wright et al., *Federal Practice and*
5 *Procedure* § 1137 (6th ed. 2023); *see Bolden v. City of Topeka, Kan.*, 441 F.3d 1129, 1148 (10th
6 Cir. 2006). But when new parties are added to an amended complaint, the 90-day period starts
7 for the newly added defendants. 4B Charles Alan Wright et al., *Federal Practice and*
8 *Procedure* § 1137 (6th ed. 2023); *see Lee v. Airgas Mid-S., Inc.*, 793 F.3d 894, 898 (8th Cir.
9 2015). So, to comply with Rule 4(m), Defendants named in Plaintiff's Complaint needed to be
10 served by September 5, 2024; and new Defendants named in the Amended Complaint needed to
11 be served by May 12, 2025.

12 Based on the record, the sole Defendant remaining in this litigation that appears to have
13 been served is Blair M. Russ. Dkt. # 71. And, for the reasons detailed in the Court's prior order,
14 Dkt. # 114, Plaintiffs have not shown good cause for this failure to serve Defendants.

15 Accordingly, the Court ORDERS Plaintiffs to SHOW CAUSE within seven (7) days of
16 the date of this order why this action should not be dismissed for failure to comply with Rule
17 4(m). If Plaintiff does not file proof of proper service for a Defendant, the Court will dismiss the
18 action without prejudice as to that Defendant.

19 Dated this 13th day of May, 2025.

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21 
22 John H. Chun
23 United States District Judge
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